

Danner, Ward

From: Jeff Ruch <jruch@peer.org>
Sent: Friday, April 25, 2014 12:16 PM
To: marina.perez@dtsc.ca.gov
Cc: Blumenfeld, Jared; Wilson, Patrick; armann.steven@epa.gov; Stanislaus, Mathy; brian.johnson@dtsc.ca.gov; Maria.Gillette@dtsc.ca.gov; Rafi_nazarians@boxer.senate.gov; lisa.pinto@mail.house.gov
Subject: Community Survey Regarding the Environmental Investigation, Malibu High School

April 25, 2014

Marina Perez
DTSC, Public Participation Specialist
9211 Oakdale Ave.
Chatsworth, CA 91211

By U.S. postal mail and email to marina.perez@dtsc.ca.gov

Dear Ms. Perez,

This letter consists of a response to the Community Survey for Malibu High School dated April 2014 on behalf of the group "Concerned Malibu/Cabrillo Teachers," which consists of 29 of the teachers and staff at Malibu Middle and High School and Juan Cabrillo Elementary School.

In specific response to the survey questions:

1. This group consists of 29 teachers and employees at Malibu High School, Malibu Middle School and Juan Cabrillo Elementary School.
2. Our interest level in the site is high.
3. Yes, we have specific concerns about the site. We are concerned about the PCBs, chlordane, DDT, DDE, benzene and toluene previously found based on very limited testing of the school buildings and grounds. Especially because the source of those chemicals has never been identified, we are concerned that these and other toxic chemicals may be present in areas that were not previously tested, both indoors and outdoors.

We are concerned about health problems of teachers and staff at the schools, including three cases of thyroid cancers among current teachers diagnosed within a six month period, several cases of non-cancer thyroid disease, other cancers, migraines, rashes, hair loss, and asthma. There are additional cases of these health problems and others among students, former students and former teachers. We are concerned that there may be a relationship between these health problems and exposure to toxins in the school environment.

We are also concerned that the schools are dirty, poorly ventilated and poorly maintained, which can exacerbate exposures to toxins, allergens and molds, and also contributes to pest problems.

We are concerned about ongoing use of toxic chemicals in our school environment, especially pesticides.

4. We believe that everyone in the Malibu community – parents, teachers, staff, students and residents – should be kept informed of toxic conditions, plans for testing and remediation, implementation of those plans, testing protocols and quality control measures, test results, any other matters related to school contamination, testing and remediation. The community should be informed by all possible means – posting on the SMMUSD website, DTSC website, emails, social media, community workshops, local newspapers and postal mail.

5. In addition to the means noted above, the members of Concerned Malibu/Cabrillo Teachers wish to be contacted through their representative, Public Employees for Environmental Responsibility (PEER), via email care of Paula Dinerstein, Senior Counsel, pdinerstein@peer.org and by postal mail at 2000 P St. N.W., Suite 240, Washington, D.C. 20036, phone: 202-265-7337.

6. Our members would like to participate in community workshops about this Site.

7. The best time would be weeknights or weekends.

8. We would prefer to receive information in English.

9. You should be communicating also with MalibuUnites, <http://malibuunites.com>, jen@malibuunites.com

10. Some of our members would be willing to be interviewed on the condition that their participation and the content of their interviews remain anonymous.

11. We are familiar with the USEPA's "PCBs in Caulk Fact Sheet." We note in addition, however, that the Toxic Substances Control Act requires the removal of any caulk containing more than 50 ppm PCBs. All of the caulk at the schools in rooms constructed or renovated before 1981 should be tested, caulk containing more the 50 ppm PCBs should be removed, and surrounding materials and soils should be tested for the presence of PCBs and removed if found to contain more than 50 ppm PCBs.

12. We are familiar with the "Best Management Practices" (BMP) recommended by USEPA. However, we strongly urge that comprehensive testing of soil, dust, air, and building contents and materials at all three schools and campuses take place first (and promptly!) in order to determine what type of remediation is actually needed to create a safe and healthy

environment. BMP are no substitute for testing to determine the presence of, and then removal of, materials containing PCBs above regulatory limits (50 ppm) and other materials and soil containing other contaminants above regulatory limits or posing a health risk.

In addition, the BMP that were implemented over winter break in a few classrooms were shown to have had little or no effect on air concentrations of PCBs. Opening or closing the windows had a far greater effect on concentrations. See Pre- and Post-Best Management Practices Polychlorinated Biphenyl Air Sampling Report, Phylmar Group, February 2014, available on the SMMUSD website,

<http://www.smmusd.org/PublicNotices/PrePostBPMAirSampling0214.pdf>.

Therefore, we have little faith in the efficacy of BMP, at least as so far implemented, to have any impact on toxic exposures in our schools, even as interim measure. The BMP implemented so far appear to have been largely a waste of money and a diversion from the comprehensive testing and remediation that really needs to be done.

13. We cannot answer how often BMP should be implemented in the absence of comprehensive testing as described above to determine what remediation is actually needed to ensure a safe and healthy environment. Nevertheless, ordinary cleaning including HEPA vacuuming and washing down surfaces should occur on a daily basis when school is in session. This is no more than proper cleanliness and hygiene for any school. In addition, the HVAC systems are badly in need of cleaning and repair and this should occur as soon as possible.

14. We question why the School District spent in the neighborhood of \$80,000 on BMP prior to defining the problem that needed to be addressed by comprehensive testing, and which had little impact on the level of PCBs in the school environment. (Nothing else was tested so we do not know if the BMPs had any effect on any other toxins in the school environment). We also question why some of the air testing was done with windows open, contrary to specific direction by EPA.

In addition to the questions posed in the survey, we would like to add what we believe will be necessary to ensure a safe and healthy school environment and our own and the rest of the community's confidence in the process and results of testing and remediation efforts.

1. Begin with comprehensive testing of soils, air, dust and materials in all three school buildings and outdoor campus areas for all potential toxins.

2. A remediation program which includes removal of all soils and materials which contain toxins above regulatory limits or which pose a danger to human health or the environment.

3. Independent expert oversight of the entire process as conducted by the District's consultant.

4. Transparency and full disclosure to and involvement of the community at every step of the process, including review of testing and remediation protocols and plans and posting of all test results.

5. Prompt action and community involvement. Environ was retained on January 19, 2014 – over four months ago – and yet nothing visible to the community has yet occurred. This is in addition to the four months between the time the District was alerted to environmental health concerns and the hiring of Environ. The pace of the response to this very serious potential threat to the health of everyone in our community is simply unacceptable and appears to implicate intentional delay and avoidance of addressing the issues.

To add insult to injury, the timeline now proposed calls for Environ to share its draft work plan June 18 – after school is out and many people may not even be in town. There is no reason that Environ should not have been able to prepare a draft plan by now. The plan should be presented to the community within the next two weeks, i.e. by May 9, 2014.

Sincerely,

Jeff Ruch, Executive Director

Paula Dinerstein, Senior Counsel
Public Employees for Environmental Responsibility

On behalf of the Concerned Malibu/Cabrillo Teachers

cc: Jared Blumenfeld, EPA Region IX Administrator
Patrick Wilson, Region IX, EPA
Steve Armann, Region IX, EPA
Mathy Stanislaus, Assistant Administrator, Office of Solid Waste and Emergency Response,
U.S. EPA
Deborah Raphael, Director, California Department of Toxic Substances Control
Senator Barbara Boxer
Congressman Henry Waxman
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